

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-14-01)
SANDRA DORSETT
FEBRUARY 11, 2014

This is a report to the Flathead County Board of Adjustment regarding a request from Sandra Dorsett for a conditional use permit to establish 'Animal hospital, veterinary clinic' on the subject property. The property is located within the Evergreen Zoning District and is zoned 'B-2 General Business' and 'Evergreen Enterprise Overlay.'

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on March 4, 2014 beginning at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposed land use is not located within the advisory jurisdiction of a Land Use Advisory Committee.

B. Board of Adjustment

This space is reserved for an update regarding the March 4, 2014 Flathead County Board of Adjustment review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

i. Landowner

Sandra L. Dorsett
2209 Highway 2 E
Kalispell, MT 59901

ii. Applicant

Albert D. Dorsett
2209 Highway 2 E
Kalispell, MT 59901

B. Property Location and Size

The subject property is located at 2209 Highway 2 East in Evergreen, MT (see Figure 1 below). The property is approximately 0.5 acres in size and can be legally described as Lot 10A in Evergreen Acres Subdivision in Section 33, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property (outlined in red)



C. Existing Land Use(s) and Zoning

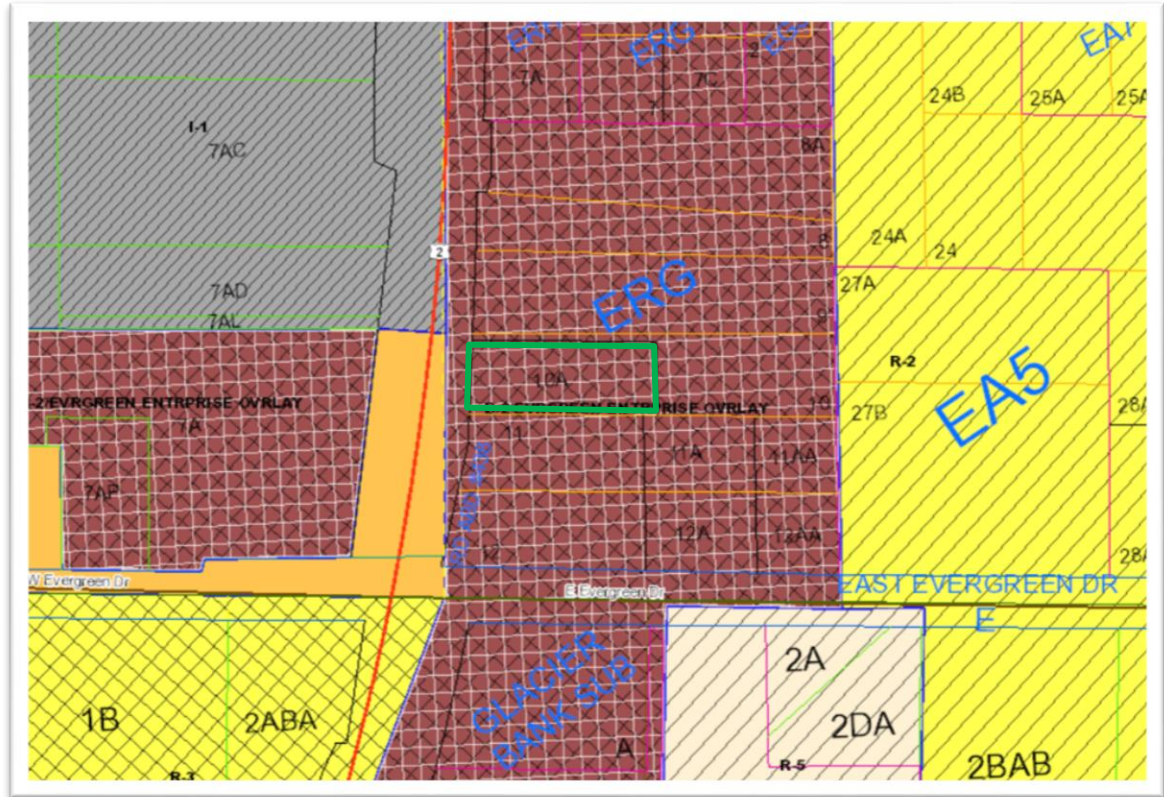
The property is located within the Evergreen Zoning District and is zoned ‘B-2 General Business’ and ‘Evergreen Enterprise Overlay.’ B-2 is defined as, “A *business district to provide for those retail sales and service functions and operations that are typically characterized by outdoor display, storage, and/or sale of merchandise, by major repair of motor vehicles, and by outdoor commercial amusement and recreational activities. This district should also serve the general needs of the tourist and traveler,*” per Section 3.17.010 FCZR. The Evergreen Enterprise Overlay is defined as, “An interim zoning district to temporarily overlay all existing B-2 General Business or B-3 Community Business zoning along the Evergreen commercial corridor with one additional permitted use.”

The property is currently developed as residential and contains a house and detached garage. The property is open and flat with a few trees located on the lot.

D. Adjacent Land Use(s) and Zoning

The property is located on the east side of U.S. Highway 2 in Evergreen. Lands surrounding the subject property to the north, south and east are similarly zoned B-2/Evergreen Enterprise Overlay and west of the property is RA-1 zoning. However, the RA-1 zone only includes the highway and across the highway from the subject property is B-2/Evergreen Enterprise Overlay zoning. Northwest of the subject property is I-1 zoning. The general character of the surrounding area is a mix of residential and commercial. The properties located directly to the south of the subject property are vacant. The property to the west across Highway 2 is a church and east of the subject property is residential. To the north of the subject property are several types of businesses.

Figure 2: Zoning surrounding the subject property (outlined in green)



E. Summary of Request

The applicant is requesting a Conditional Use Permit to allow a veterinary clinic to be placed on the subject property pursuant to Section 7.21.040 and Section 4.01 of the Flathead County Zoning Regulations (FCZR). Per Section 7.21.040 a veterinary clinic is defined as, *“A building or premises for the medical or surgical treatment of small animals or pets, including dogs, cats, but not to include livestock or other large animals, including the boarding of hospitalized animals but excluding the boarding of animals not subjected to medical or surgical treatment.”* The placement of a veterinary clinic in a B-2 zone requires the issuance of an Conditional Use Permit, the review of which is subject to specific guidelines set forth under Section 2.06.080 FCZR regarding criteria for the issuance of a Conditional Use Permit and conditional use standards for an ‘Animal hospital, pound, kennel, animal shelter, veterinary clinic’ found in Section 4.01 FCZR.

The applicant is not proposing to construct any new structures as a result of this proposal but instead intends to utilize existing structures. The existing house will be utilized for the veterinary clinic and an accessory apartment. The accessory apartment may be used by the owner as on-site housing and *“the gross floor area of the accessory apartment and access may not exceed 50% of the gross floor area of the principal structure,”* per Section 7.02.020 FCZR.

According to the site plan submitted by the applicant on January 30, 2014, the existing structure will be divided between the accessory apartment and the veterinary clinic. The Veterinary clinic will utilize 1,620 square feet of floor area and the accessory apartment would utilize the remaining 1,189 square feet.

F. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 feet of the subject property on February 11, 2014, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application will be published in the February 16, 2014 edition of the Daily Interlake.

G. Agency Referrals

Referrals were sent to the following agencies on January 27, 2014:

- Montana Department of Transportation
 - Reason: The property is located on a U.S. highway and has the potential to impact MDT facilities.
- Flathead County Solid Waste (FCSW)
 - Reason: The property is located within the department's jurisdiction and has the potential to impact county facilities.
- Evergreen Fire Department
 - Reason: The property is located within the department's jurisdiction and has the potential to impact Evergreen Fire Department response times.
- Evergreen Water and Sewer
 - Reason: The property is located within the department's jurisdiction and has the potential to impact Evergreen Water and Sewer facilities.
- Flathead City-County Environmental Health Department
 - Reason: The property is located within the department's jurisdiction.
- Flathead County Weeds and Parks Department
 - Reason: The property is located within the department's jurisdiction and new construction could lead to the development of weeds on the subject property.
- Bonneville Power Administration
 - Reason: The BPA has requested a copy of all agency referrals.

III. COMMENTS RECEIVED

A. Public Comments

No written public comments have been received to date regarding the conditional use permit request. It is anticipated any individual wishing to provide public comment on the proposal will do so during the public hearing scheduled for March 4, 2014. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

B. Agency Comments

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Bonneville Power Administration
 - Comment: "In reviewing the proposed plan, it appears this request will not affect any BPA facilities located within this area. BPA does not have any objections to the approval of this request at this time." Email dated January 31, 2014.
- Flathead City-County Health Department
 - Comment: "This office has reviewed the information provided and submits the following comments: 1. This Lot was created by Deed in 1955 therefore it is not subject to the Sanitation in Subdivision Act review at this time. 2. Water and sewer service are provide(d) by Evergreen Water and Sewer. 3. The proposed paved parking and driveway create impermeable surface and

thus create increased storm water runoff. This should be addressed to maintain the additional storm water runoff on site.” Letter dated February 6, 2014.

- Flathead County Solid Waste District
 - Comment: The district views no negative impact with solid waste issues at this time. The District requests that all solid waste generated at the proposed location be hauled by a private hauler. Allied Waste is the licensed (PSC) Public Service Commission licensed hauler in this area.” Letter dated February 7, 2014
- Montana Department of Transportation
 - Comment: “The proposal would allow for a change in use to establish an “animal hospital, veterinary clinic” from the historic single residence. The property currently directly accesses US HWY 2 by an existing approach. As this will be a change in use of an existing access then a new approach permit for access to the property is required to be approved by the MDT. The owner’s have already been in contact with MDT regarding this proposal and are in the process of obtaining a new approach permit.” Email dated February 5, 2014.

IV. CRITERIA REQUIRED FOR CONSIDERATION

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

A. Site Suitability

i. Adequate usable space

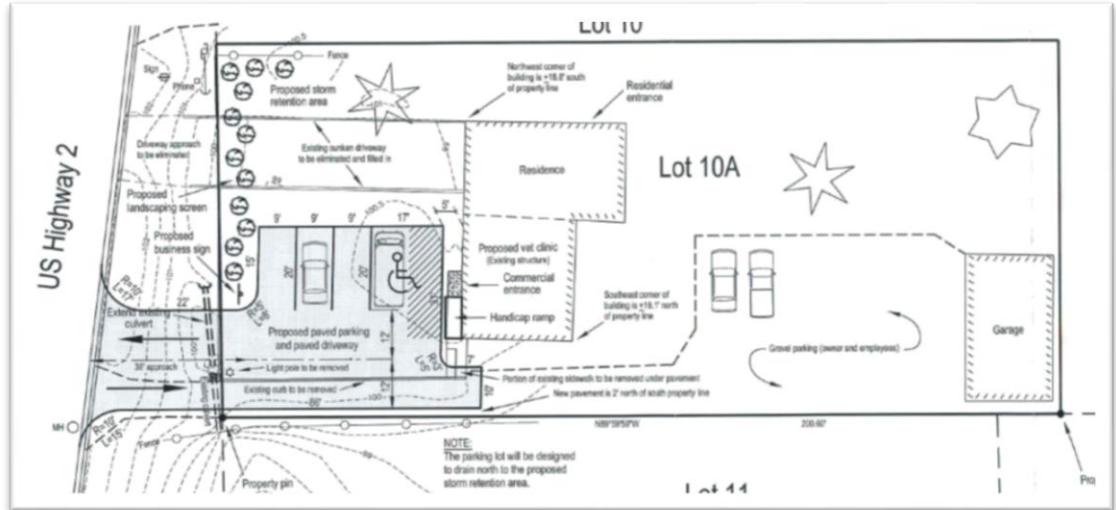
The subject property is approximately 19,600 square feet and currently developed as residential with a house and a garage. The applicant is not proposing to build any additional structures as part of this proposal but instead will utilize the existing structures for the veterinary clinic and accessory apartment. According to the second site plan submitted by the applicant on January 30, 2014, the existing structure will be divided between the accessory apartment and the veterinary clinic. The veterinary clinic will utilize 1,620 square feet of floor area and the accessory apartment would utilize the remaining 1,189 square feet.

The existing house covers approximately 1,561 square feet of the lot and has a basement and second floor. The detached garage is approximately 908.16 square feet. The total lot coverage from both buildings is 2,469.16 square feet. In the B-2 designation permitted lot coverage is not applicable. The proposed parking area will cover approximately 5,466.5 square feet, so the total area required for the parking lot and buildings is 7,935.66 square feet.

The minimum yard requirements within the B-2 zoning are 20 feet for front and side corner, 5 feet from the side and 15 feet from the rear for principal structures. The property is located along Highway 2 so the structures are required to be setback an additional 10 feet from the road. The detached garage is located less than 15 feet from the rear property line, however according to CAMA data the garage was constructed in 1985. The Evergreen Zoning District was not adopted until 1990 so the garage is a legally non-conforming structure and not required to meet setbacks.

The applicant provided a site plan showing the location of the buildings with the principal structure outside the setbacks and there appears to be adequate space for parking. Based upon staff's site visit and the submitted site plan, it appears the subject property has adequate useable space to accommodate the veterinary clinic and accessory apartment on the subject property.

Figure 3: Site Plan



ii. Adequate access

The subject property is located on U.S. Highway 2, a paved five lane highway approximately 60 foot wide. The subject property currently has two access points via Highway 2, the applicant is proposing to abandon the north driveway and utilize the southern driveway for the proposed use. The site plan shows one access located at the southwest corner of the property. The application states, "Highway 2 access to be modified to a single drive as proposed on pending MDT approach permit." The proposed approach is 24 feet wide and would provide ingress and egress to the property. Based on staff's site visit it appears there is adequate sight distances from the proposed accesses to enter and exit the property safely.

Figure 4: Existing approach onto Highway 2 (to be upgraded)



Comments received from MDT state, “The proposal would allow for a change in use to establish an “animal hospital, veterinary clinic” from the historic single residence. The property currently directly accesses US HWY 2 by an existing approach. As this will be a change in use of an existing access then a new approach permit for access to the property is required to be approved by the MDT. The owner’s have already been in contact with MDT regarding this proposal and are in the process of obtaining a new approach permit.” All access onto Montana Department of Transportation maintained highways shall have been approved by MDT with the issuance of an approach permit and shall meet the approach standards for Montana Highways, per Section 6.16.010(4) [FCZR].

iii. Absence of environmental constraints

The subject property is relatively flat with no significant elevation changes. According to FEMA FIRM Panel 30029C1810H the majority of the subject property is located in a Zone X and a sliver on the western side of the property is located in an unshaded Zone X. The shaded Zone X is determined to be inside the 0.2% annual chance flood or 500 year floodplain and the unshaded Zone X is determined to be outside the 0.2% annual chance flood. Additionally, there are no wetlands, streams, or creeks located on the parcel, and there appears to be no other environmental constraints.

Finding #1 – The site appears suitable for the proposed use because there is adequate usable space, there is adequate access via a U.S. highway, the approach permit is being reviewed by the Montana Department of Transportation and will require a new approach permit from MDT, the accessory apartment will utilize less than half of the principal structure and there are no apparent environmental constraints.

B. Appropriateness of design

i. Parking scheme

The applicant is proposing to utilize a portion of the existing structure as an accessory apartment and the remainder as an ‘Animal hospital, veterinary clinic.’ An animal hospital requires 1 parking space per 400 square feet of gross floor space, per Section 6.04.010 FCZR. The veterinary clinic will utilize 1,620 square feet of floor area and the accessory apartment would utilize the remaining 1,189 square feet. The applicant would be required to provide four parking spaces for the veterinary clinic and two parking spaces are required for the single family home, per Section 6.02.010 FCZR. The property currently contains a three car garage at the back of the lot and in front of the garage will be a parking apron able to accommodate approximately five more parking spaces. In the front yard the applicant is proposing to construct four paved parking spaces for customers. Based on the applicant’s submitted site plan and staff’s site visit to the subject property, there appears to be adequate space for the required parking.

The site plans shows a driving lane, 24 feet wide for two-way traffic, meeting the requirements set forth in Appendix A [FCZR] based on the angle of the parking. Section 6.01.030 [FCZR] requires all parking spaces to be clearly designated and demarcated, therefore, the applicant will be required to clearly designate and demarcate parking spaces.

ii. Traffic circulation

Ingress and egress to the subject property will be via a private driveway from U.S. Highway 2. The applicant states, "Front parking access via two-way 38ft-long paved approach. Drive continues to rear of facility." The site plan shows that the private driveway will be 24 feet wide, which is adequate for two way traffic. The driveway will taper down to 10 feet wide to access the employee parking area at the rear of the lot and would not allow for two-way traffic. However, traffic will be limited to employees and the owner. The proposed parking area appears large enough to accommodate the number of proposed spaces, while affording adequate and compliant internal traffic circulation.

Comments received from MDT states, "The proposal would allow for a change in use to establish an "animal hospital, veterinary clinic" from the historic single residence. The property currently directly accesses US HWY 2 by an existing approach. As this will be a change in use of an existing access then a new approach permit for access to the property is required to be approved by the MDT. The owner's have already been in contact with MDT regarding this proposal and are in the process of obtaining a new approach permit." The proposed use will be required to obtain an approach permit from MDT.

Finding #2 – The proposed parking and traffic circulation appears to be appropriately designed because the applicant is proposing 12 parking spaces sufficient for the proposed use, the parking spaces will be required to be clearly designated and demarcated, the proposed use would require a new approach permit and the proposed traffic aisle in the front of the lot serving customers will be paved and will adequately serve two-way traffic.

iii. Open space

The subject property is approximately 19,600 square feet and currently developed as residential with a house and a garage. The applicant is not proposing to build any additional structures as part of this proposal but instead will utilize the existing structures for the veterinary clinic and accessory apartment. The existing house covers approximately 1,561 square feet and the detached garage is approximately 908.16 square feet. The total lot coverage from the buildings is 2,469.16 square feet. In the B-2 designation permitted lot coverage is not applicable. The total lot covered is approximately 12.6% of the lot, therefore 87.4% of the subject property will remain open space.

iv. Fencing/screening

The subject property currently has wooden fencing on the north and east sides of the property and chain link fencing on the south side of the property and there is no fencing on the west side of the property. The applicant is proposing to place shrubs on the west side of the property for screening. Based on staff's site visit the fences appear to be less than 6 feet in height and appear to be appropriate for the proposed use.

v. Landscaping

The property currently contains a few trees and a flower bed adjacent to the existing house. The property is adjacent to an RA-1 zone in the front of the property and B-2 zones on the other three sides. No additional landscaping is required for the sides of the property adjacent to B-2. The applicant is required to erect sight obscuring fence or dense coniferous greenbelt of shrubs on the property line abutting the RA-1 zoning.

Additionally, according to Section 6.13.010 FZR, *‘Parking is allowed within the front yard setback areas within five (5) feet of the adjoining property boundary provided there is a five (5) foot maintained landscaped buffer.’* The applicant is proposing to place shrubs in the front yard between the parking area and the highway.

vi. Signage

There are no existing signs on the subject property. The applicant is proposing to place a sign at the center of the property adjacent to the highway. The application states, “Internally lit by buried cables, unobtrusive sign less than 28ft in height and less than 72ft².” According to Section 5.11.020(3)(E) Table 1, a freestanding sign 0-10 feet from the edge of the right-of-way can be no more than 72 square feet in size. Based on the linear footage of the existing structure the subject property is allowed no more than 150 square feet, per Section 5.11.020(11)(A) Table 2. The proposed sign appears to be in compliance with the applicable zoning regulations.

vii. Lighting

The application states lights are hooded at doors for security. There are lights on the outside of the existing structure that appear to be shielded by the roof overhang. Any new lighting shall be required to conform to the lighting standards set forth in Section 5.12 FCZR and will be conditioned accordingly and inspected after one year.

Finding #3 – The proposed use appears to be adequately designed because the applicant is not proposing any new lighting or fencing beyond what is currently present on-site, the existing lighting and fencing and the proposed landscaping and signage are in conformance with the applicable sections of the regulations and 87.4% of the lot will be left as open space.

C. Availability of Public Services and Facilities

i. Sewer

The subject property is located within the Evergreen Water and Sewer District and is currently served by the district. According to FCCHD, “This office has reviewed the information provided and submits the following comments: 1. This Lot was created by Deed in 1955 therefore it is not subject to the Sanitation in Subdivision Act review at this time. 2. Water and sewer service are provide(d) by Evergreen Water and Sewer. 3. The proposed paved parking and driveway create impermeable surface and thus create increased storm water runoff. This should be addressed to maintain the additional storm water runoff on site.” An agency referral was sent to Evergreen Water and Sewer but no comments were received. The proposed use will be required to be reviewed by the Evergreen Water and Sewer District to determine availability of sewer services for the proposed change in use on the subject property.

ii. Water

The subject property is located within the Evergreen Water and Sewer District and is currently served by the district. According to FCCHD, “This office has reviewed the information provided and submits the following comments: 1. This Lot was created by Deed in 1955 therefore it is not subject to the Sanitation in Subdivision Act review at this time. 2. Water and sewer service are provide(d) by Evergreen Water and Sewer. 3. The proposed paved parking and driveway create impermeable surface and thus create increased storm water runoff. This should be addressed to maintain the additional storm water runoff on site.” An agency referral was sent to Evergreen Water and Sewer but no comments were received. The proposed use will be required

to be reviewed by the Evergreen Water and Sewer District to determine availability of water services for the proposed veterinary clinic and accessory apartment.

Finding #4 – The proposed use is expected to minimally impact public water and sewer services because the property is currently serviced by Evergreen Water and Sewer District, the proposed use will require review by Evergreen Water and Sewer and approval will be conditioned on this and followed up on at the end of one year.

iii. Storm Water Drainage

The applicant is not proposing to construct any new structures but will be paving the parking area, it is anticipated that there will be an increase in storm water run-off as a result. The applicant is proposing to utilize on-site retention for storm water, including a culvert under the approach and a grass retention swale adjacent to the parking area. According to the site plan the proposed parking area will be sloped north to allow storm water to flow to the proposed drainage swale.

According to FCCHD, “This office has reviewed the information provided and submits the following comments: 1. This Lot was created by Deed in 1955 therefore it is not subject to the Sanitation in Subdivision Act review at this time. 2. Water and sewer service are provide(d) by Evergreen Water and Sewer. 3. The proposed paved parking and driveway create impermeable surface and thus create increased storm water runoff. This should be addressed to maintain the additional storm water runoff on site.”

Finding #5 – The veterinary clinic appears to have acceptable impacts on storm water drainage because the storm water will be managed through on-site absorption via a retention swale adjacent to the parking area and a culvert under the approach.

iv. Fire Protection

The subject property is currently served by the Evergreen Fire Department, and is located approximately 1/10 of a mile southeast of an existing fire station. Due to the centralized location of the property in Evergreen and given the proximity to a fire station quick response times in the event of are anticipated.

v. Police Protection

The property would be served by the Flathead County Sheriff’s Department. It is anticipated response times in emergency would not be unreasonably long given the property’s proximity to an urban, developed area of the County.

vi. Streets

The subject property is accessed via U.S. Highway 2, a paved five lane highway, approximately 60 foot wide which is maintained by the Montana Department of Transportation. At the location of the subject property, Highway 2 is a four lane road with a center turn lane and no shoulders. See Section IV.B.ii above for a discussion regarding MDT and Highway 2.

Finding #6 – Fire protection, police protection and streets infrastructure appear adequate for the proposed use because the Evergreen Fire Department and Flathead County Sheriff provide services to the subject property, the property is accessed by U.S. Highway 2, a Montana Department of Transportation maintained highway and compliance with the requirements of MDT will be met as a condition of approval.

D. Immediate Neighborhood Impact

i. Excessive traffic generation

As previously discussed, Highway 2 is a paved five lane state maintained road. The ITE Trip generation 5th Edition does not list a comparable use to an animal hospital or veterinary clinic. However, the application states, “Proposed use will generate approximately 8 vehicle trips on Highway 2 (one customer per hour for an 8 hour working day) with a net vehicle trip number of 7 as business owner will reside on the property.” One customer every hour over an eight hour day would result in 16 vehicle trips per day generated by the proposed use because one vehicle trip would be generated for the arrival and one by the departure of the customer. Additionally the accessory apartment will generate an average of 10 vehicle trips per day based on standard trip generations for a single family residence. Therefore the proposed use has the potential to generate 26 vehicle trips per day.

The most recent traffic counts for U.S. Highway 2 north of East Evergreen Drive were taken in 2012 by MDT. The average daily trips on Highway 2 was determined to be 19,500 at that time. The vehicle trips generated as a result of this proposal amounts to an increase of approximately one tenth of a percent from the 2012 counts. Given the location of the property adjacent to Highway 2, the low anticipated daily traffic generated by the proposed use and the capacity of Highway 2 it appears the veterinary clinic and accessory apartment will not impact the neighborhood as a result of the traffic generated.

Comments received from MDT state, “The proposal would allow for a change in use to establish an “animal hospital, veterinary clinic” from the historic single residence. The property currently directly accesses US HWY 2 by an existing approach. As this will be a change in use of an existing access then a new approach permit for access to the property is required to be approved by the MDT. The owner’s have already been in contact with MDT regarding this proposal and are in the process of obtaining a new approach permit.” An approved approach permit will be required as a result of this request.

Finding #7 – The proposed use would not have an impact on the neighborhood regarding traffic because of the location adjacent to Highway 2, the low anticipated daily traffic generated by the proposed use and a new approach permit will be required as a result of this request from the Montana Department of Transportation.

ii. Noise or vibration

Noise generated by the proposed veterinary clinic such as barking dogs are possible as a result of this proposal. The application states, “As business will be conducted indoors, these sounds will not be heard by the neighbors.” The noise would likely be indoors and not beyond what is typical for a business area. Additionally, no vibrations are anticipated as a result of the proposed veterinary clinic.

iii. Dust, glare or heat

Excessive dust is not anticipated as a result of the proposed veterinary clinic, as U.S. Highway 2 is a paved road and the applicant is proposing to pave the front of the parking lot which will be used by customers. The rear of the parking lot will remain gravel, however given the low speeds of vehicles, excessive dust is not anticipated.

As with any development, increased impervious surface area and windows do have the potential to increase the impacts of glare and heat on the subject property as well as surrounding area. However, these impacts can be mitigated by retaining open

space on the subject property in conformance with the bulk and dimensional requirements of the zoning and ideally, landscaping these areas or maintaining them as grass or other types of pervious surfaces (see discussion on landscaping in Section IV.B.v).

iv. Smoke, fumes, gas, or odors

The applicant states, “The proposed use does not generate smoke, fumes or gas. The proposed use may generate odors from fecal matter. All animal fecal matter as a result of the proposed use will be removed from the premises.” No smoke, fumes or gas are anticipated to be generated by the veterinary clinic other than those typical of a business and fecal matter will be removed from the premises to reduce odors generated by the proposed use.

v. Inappropriate hours of operation

The applicant has stated that the hours will be during the daytime and emergencies as necessary. Given the location of the property adjacent to Highway 2 and access from a major highway the proposed hours of operation would not appear to impact the immediate neighborhood.

Finding #8 – The proposed use is not anticipated to impact the surrounding neighborhood because the use is not anticipated to create noise, vibration, glare, heat, smoke, fumes or gas out of character with the highway businesses in the area, the proposed hours of operation appear acceptable and fecal matter will be removed from the premises to reduce odors generated by the proposed use.

V. SUMMARY OF FINDINGS

1. The site appears suitable for the proposed use because there is adequate usable space, there is adequate access via a U.S. highway, the approach permit is being reviewed by the Montana Department of Transportation, the proposed use would require a new approach permit from MDT, the accessory apartment will utilize less than half of the principal structure and there are no apparent environmental constraints.
2. The proposed parking and traffic circulation appears to be appropriately designed because the applicant is proposing 12 parking spaces sufficient for the proposed use, the parking spaces will be required to be clearly designated and demarcated, the proposed use would require a new approach permit and the proposed traffic aisle in the front of the lot serving customers will be paved and will adequately serve two-way traffic.
3. The proposed use appears to be adequately designed because the applicant is not proposing any new lighting or fencing beyond what is currently present on-site, the existing lighting and fencing and the proposed landscaping and signage are in conformance with the applicable sections of the regulations and 87.4% of the lot will be left as open space.
4. The proposed use is expected to minimally impact public water and sewer services because the property is currently serviced by Evergreen Water and Sewer District, the proposed use will require review by Evergreen Water and Sewer and approval will be conditioned on this and followed up on at the end of one year.
5. The veterinary clinic appears to have acceptable impacts on storm water drainage because the storm water will be managed through on-site absorption via a retention swale adjacent to the parking area and a culvert under the approach.

6. Fire protection, police protection and streets infrastructure appear adequate for the proposed use because the Evergreen Fire Department and Flathead County Sheriff provide services to the subject property, the property is accessed by U.S. Highway 2, a Montana Department of Transportation maintained highway and compliance with the requirements of MDT will be met as a condition of approval.
7. The proposed use would not have an impact on the neighborhood regarding traffic because of the location adjacent to Highway 2, the low anticipated daily traffic generated by the proposed use and a new approach permit will be required as a result of this request from the Montana Department of Transportation.
8. The proposed use is not anticipated to impact the surrounding neighborhood because the use is not anticipated to create noise, vibration, glare, heat, smoke, fumes or gas out of character with the highway businesses in the area, the proposed hours of operation appear acceptable and fecal matter will be removed from the premises to reduce odors generated by the proposed use.

VI. CONCLUSION

Upon review of this application, the request to allow for a veterinary clinic on the subject property is generally supported by the review criteria and the Findings of Fact listed above. Should the Flathead County Board of Adjustment choose to adopt staff report FCU-14-01 as Findings of Fact and approve the conditional use permit, the following conditions would ensure compliance with the review criteria and appropriate measures to mitigate impacts:

VII. CONDITIONS OF APPROVAL

1. The veterinary clinic on the subject property shall be in substantial conformance with the application materials and site plan as submitted and approved by the Board of Adjustment and modified by the conditions below [FCZR Section 2.06.010].
2. Changes or modifications to the approved use or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment [FCZR Section(s) 2.06.010 and 2.06.020].
3. The veterinary clinic shall be located in accordance with the minimum yard and maximum height requirements of the B-2 zoning district, pursuant to Section 3.17.040 of the Flathead County Zoning Regulations.
4. The gross floor area of the accessory apartment and access may not exceed 50% of the gross floor area of the principal structure, per Section 7.02.020 FCZR.
5. The applicant shall provide 2 parking spaces for the accessory apartment and 4 parking spaces for the veterinary clinic as required under Section 6.02.010 and 6.04.010 of the Flathead County Zoning Regulations.
6. All required off-street parking and driveways associated with the uses shall meet the applicable design guidelines and special conditions set forth in the Flathead County Zoning Regulations [FCZR Section(s) 6.13 and 6.14].
7. The proposed use shall be reviewed and approved by the Evergreen Water and Sewer District in order to obtain a water and sewer service.
8. The proposed use shall be re-reviewed by the Montana Department of Transportation to obtain an updated approach permit. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.

9. All signage on the subject property shall comply with all applicable standards and guidelines set forth under Section 5.11 of the Flathead County Zoning Regulations.
10. All lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.
11. The conditional use permit shall terminate twelve (12) months from the date of authorization if commencement of authorized activity has not begun, unless the applicant can demonstrate and maintain a continuous effort in good faith in commencing the activity. [FCZR Section 2.06.060].
12. At the end of 12 months from the date of authorization of this permit staff will inspect to verify compliance [FCZR Section 2.06.060].

Planner: EKM